

Message Text

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TO AMEMBASSY JIDDA IMMEDIATE

AMEMBASSY AMMAN

INFO AMCONSUL DHAHRAN IMMEDIATE

AMEMBASSY TEL AVIV

AMEMBASSY PARIS

C O N F I D E N T I A L STATE 297928

E.O. 11652: GDS

TAGS: CVIS, EAID, SA

SUBJECT: AMERICAN JEWISH CONGRESS SUIT TO HALT JOINT
ECONOMIC COMMISSION ACTIVITIES

PARIS PASS TO SOBER AND PARSKY

AMMAN PASS TO ASSISTANT SECRETARY ATHERTON

JIDDA PASS USREP/JECOR RIYADH

1. THE AMERICAN JEWISH CONGRESS FILED SUIT IN U.S.
DISTRICT COURT DECEMBER 17 TO OBTAIN AN INJUNCTION
AGAINST FURTHER IMPLEMENTATION OF 1974 US-SAUDI JOINT
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ECONOMIC COMMISSION ACTIVITIES. SUIT CHARGES THAT

SECRETARY OF STATE KISSINGER, AS WELL AS SECRETARIES SIMON, RICHARDSON, AND KLEPPE, PLUS ASSISTANT TREASURY SECRETARY PARSKY AND AID ADMINISTRATOR PARKER ARE VIOLATING CONSTITUTIONAL RIGHTS OF AMERICAN JEWS IN CARRYING OUT JEC ACTIVITIES BECAUSE SAUDI ARABIA ALLEGEDLY EXCLUDES AMERICAN JEWS FROM PARTICIPATING IN USG-SUPPORTED PROGRAMS.

2. SUIT IS A CLASS ACTION SUTI BROUGHT BY AJC, FOUR OF ITS OFFICIALS, AND TWO PRIVATE PERSONS, LOUIS KAPLAN OF THE UNIVERSITY OF WISCONSIN IN MADISON, AND MARTIN

WATKINS OF WEST CHESTER, PENNSYLVANIA, A PROFESSOR OF ENGLISH. ALLEGED CLASS IS DEFINED AS "ALL OTHER AMERICAN CITIZENS OF THE JEWISH RELIGION, ANCESTRY AND IDENTITY AND OF SUCH PERSONS WHO ARE AMERICAN CITIZENS OF THE JEWISH RELIGION, ANCESTRY AND IDENTITY, AND WHO ARE OR MAY BE INTERESTED IN OR DESIROUS OF OBTAINING EMPLOYMENT OR OTHER ECONOMIC OPPORTUNITIES IN SAUDI ARABIA AND ARE QUALIFIED THEREFOR BUT ARE DENIED SUCH OPPORTUNITIES SOLELY BECAUSE THEY ARE JEWISH." ACCORDING TO THE COMPLAINT, PROFESSOR KAPLAN WAS DENIED -- BECAUSE HE IS JEWISH -- EMPLOYMENT IN A PROGRAM SPONSORED BY MIDWEST UNIVERSITIES CONSORTIUM FOR INTERNATIONAL ACTIVITIES TO HELP IMPROVE LIBRARY FACILITIES OF THE UNIVERSITY OF RIYADH. COMPLAINT ALLEGES THAT MUC "IS AN ORGANIZATION IN WHOSE FORMATION THE AGENCY FOR INTERNATIONAL DEVELOPMENT PARTICIPATED AND IT WAS USED BY THE AGENCY AS ONE OF THE INSTRUMENTS TOWARDS IMPLEMENTING THE (JEC) AGREEMENT AND OTHERWISE PARTICIPATING IN AND PROMOTING TRADE AND COMMERICAL RELATIONS BETWEEN THE US AND SA." AS FOR PROFESSOR WATKINS, HE CLAIMS THAT HE RECOGNIZED THAT HE WOULD BE SUBJECT TO THE DISCRIMINATORY RESTRICTIVE POLICY OF SAG AND THAT HE WAS THEREFORE DETERRED FROM FILLING OUT AN APPLICATION REQUIRING HIM TO LIST HIS AND HIS PARENT'S RELIGION FOR A JOB TEACHING ENGLISH TO MILITARY PERSONNEL IN SAUDI ARABIA THAT HAD BEEN ADVERTISED BY BENDIX-SYANCO CORPORATION OF MARYLAND, ALTHOUGH HE WAS FULLY QUALIFIED FOR THE POSITION AND

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WOULD HAVE ACCEPTED THE POSITION HAD IT BEEN AVAILABLE TO HIM.

3. SUIT CLAIMS "ON OCCASIONS, DEFENDANT KISSINGER AND OTHER OFFICIALS OF THE UNITED STATES GOVERNMENT HAVE INTERCEDED AND PREVAILED UPON SAUDI ARABIAN OFFICIALS TO WAIVE THE UNDESIRABLE PERSONS EXCLUSIONARY POLICY IN RESPECT TO SPECIFIC AMERICAN JEWS, AND TO ADMIT THEM

ON A SPECIAL BASIS, BUT ON OTHER OCCASIONS EFFORTS TO OBTAIN A WAIVER OR EXEMPTION HAVE PROVED UNSUCCESSFUL. NOTWITHSTANDING SUCH LACK OF SUCCESS, DEFENDANTS HAVE PARTICIPATED IN AND PROMOTED IMPLEMENTATION OF THE AGREEMENT AND, UNLESS ENJOINED BY THIS COURT, WILL CONTINUE TO DO SO."

4. PLAINTIFFS REQUEST:

(A) THAT DEFENDANTS ACTIONS BE DECLARED UNCONSTITUTIONAL;

(B) THAT DEFENDANTS BE ENJOINED FROM ANY FURTHER PARTICIPATION IN OUR PROMOTION OF JEC AGREEMENT "UNTIL SUCH TIME AS THE SAUDI ARABIAN GOVERNMENT ENDS ITS POLICY AND PRACTICE OF DIRECTLY OR INDIRECTLY DISCRIMINATING AGAINST AMERICAN JEWS AND REMOVES ALL BARRIERS TO FULL AND EQUAL PARTICIPATION BY AMERICAN JEWS IN PROGRAMS AND ACTIVITIES UNDER THE CONTROL OR DIRECTION...OF THE SAUDI ARABIAN GOVERNMENT.";

(C)(1) THAT DEFENDANTS BE ORDERED TO TERMINATE ANY PARTICIPATION IN PROGRAMS OF SAG WHICH INVOLVES DISCRIMINATION AND (2) THAT AMERICAN JEWS BE AFFORDED COMPENSATION FOR DAMAGES THEY HAVE SUFFERED; AND

(D) A PRELIMINARY INJUNCTION BE ISSUED PENDING TRIAL OF THE ISSUES.

5. FYI: IN RESPONSE TO QUERIES TODAY FROM THE NEW YORK TIMES AND OTHER PUBLICATIONS, SPOKESMAN USED GENERAL GUIDANCE ON OUR ATTITUDE TOWARD SAUDI ARABIAN VISA PRACTICES PREVIOUSLY CLEARED BY ASSISTANT SECRETARY CONFIDENTIAL

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ATHERTON AND UNDERSECRETARY SISCO IN FEBRUARY, PLUS SPECIFIC GUIDANCE ON U.S.-SAUDI ARABIAN JOINT COMMISSION CLEARED TODAY BY DAY AND DICKMAN. QUESTIONS AND ANSWERS FOLLOW.

Q. WHAT IS THE U.S. GOVERNMENT ATTITUDE GENERALLY TOWARD THE SAUDI ARABIAN POLICY OF KEEPING JEWS OUT OF THAT COUNTRY?

A. THE UNITED STATES ATTITUDE AGAINST DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN HAS BEEN OFTEN STATED. WE HAVE MADE IT CLEAR WE DO NOT AGREE WITH SUCH A POLICY. NATURALLY, WE WORK ACTIVELY TO ENCOURAGE OTHER GOVERNMENTS TO ABIDE BY WHAT WE CONSIDER CLEARLY DEFINED AND UNIVERSAL PRINCIPLES. BUT

SOME GOVERNMENTS EXERCISE THEIR NATIONAL SOVEREIGNTY DIFFERENTLY. IT IS ANOTHER EXAMPLE OF CONFLICT BETWEEN SOVEREIGN RIGHTS AND PRINCIPLES WE BELIEVE SHOULD BE UNIVERSALLY OBSERVED. I HAVE NO EASY ANSWER FOR YOU. I REPEAT ONLY WHAT OUR POLICY IS, THAT WE PURSUE IT ACTIVELY IN OUR CONTACTS WITH OTHER GOVERNMENTS, AND THAT THESE GOVERNMENTS ARE WELL AWARE OF OUR STRONG FEELINGS

AGAINST DISCRIMINATION.

Q. AGAINST THAT BACKDROP, WHY DO YOU HAVE JOINT COOPERATION AGREEMENTS WITH SAUDI ARABIA? HOW ARE THEY BEING IMPLEMENTED?

A. THE UNITED STATES HAS TRADITIONALLY MAINTAINED CLOSE AND FRIENDLY RELATIONS WITH SAUDI ARABIA, A COUNTRY WE CONSIDER IMPORTANT TO STABILITY AND ORDERLY PROGRESS IN THE MIDDLE EAST. THE JOINT COMMISSIONS ESTABLISHED WITH SAUDI ARABIA ARE A FURTHER STEP IN THE CLOSE RELATIONSHIP WHICH IT IS IN OUR NATIONAL INTEREST TO PURSUE. OBVIOUSLY OUR TWO GOVERNMENTS HAVE DIFFERENCES ON SOME MATTERS OF POLICY, AND WE WORK ACTIVELY TO REMOVE THESE DIFFERENCES IN OUR DIPLOMATIC CONTACTS WITH SAUDI ARABIA (NOTED ABOVE). IN FACT, THERE HAS BEEN NO DISCRIMINATION AGAINST AMERICAN PERSONNEL INVOLVED IN U.S.-SAUDI ARABIAN JOINT COMMISSION ACTIVITIES.
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Q. HAVE ANY JEWS INVOLVED WITH JOINT COMMISSION ACTIVITIES ENTERED SAUDI ARABIA?

A. I HAVE SAID THERE HAS BEEN NO DISCRIMINATION. AS TO THE PARTICULAR RELIGION OF AMERICAN CITIZENS INVOLVED IN THOSE ACTIVITIES, WE HAVE NO WAY OF KNOWING -OUR RECORDS DO NOT SHOW THEIR RELIGIOUS CONVICTION.

Q. WHAT ABOUT THE TWO PROFESSORS--LOUIS KAPLAN AND MARTIN WATKINS--WHO CHARGE IN THE SUIT THAT THEY WERE DENIED JOBS IN PROGRAMS GROWING OUT OF THE AGREEMENT, BECAUSE OF THEIR RELIGION?

A. WE ARE LOOKING INTO THESE CASES. THEY ARE NOT PERSONS INVOLVED IN ACTIVITIES OF THE U.S.-SAUDI ARABIAN JOINT COMMISSION MENTIONED ABOVE. LET ME SAY IN A GENERAL WAY, THAT WHEN WE BECOME AWARE OF A CASE WHERE PRIVATE AMERICAN CITIZENS ARE REFUSED VISAS BECAUSE THEY ARE JEWS, AND WE ARE ASKED TO HELP OUT, WE DO INTERCEDE WITH THE SAUDI ARABIAN AUTHORITIES. WE HAVE HAD SUCCESS IN THESE CASES. SO FAR AS WE KNOW, IN NEITHER OF THESE CASES

WERE WE ASKED TO INTERCEDE. END FYI.

6. PENDING OPPORTUNITY TO COORDINATE GUIDANCE
WITH OTHER DEFENDANTS, WE INTEND,IN ACCORDANCE WITH NORMAL
PRACTICE, REFER FURTHER INQUIRIES TO JUSTICE DEPARTMENT.
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